

## **REMARKS**

### **Revocation of Power of Attorney**

Applicant is enclosing herewith a Revocation of Power of Attorney and Appointment of New Attorney naming BRUCE H. TROXELL as attorney of record in this patent application. It is requested that all further correspondence regarding this matter be forwarded to TROXELL LAW OFFICE PLLC at the address listed on the enclosed form. A CHANGE OF ADDRESS FORM is also being submitted.

### **Claim Rejections**

Claims 1-8 are rejected under 35 U.S.C. § 112, second paragraph. Claims 1-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pera (U.S. 5,544,836). Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pera in view of Woodring (U.S. 3,853,285). Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pera in view of Chang (U.S. 6,397,991).

### **Drawings**

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

### **New Claims**

By this Amendment, Applicant has canceled claims 1-8 and has added new claims 9-16 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The new claims are directed toward a coaxial wire storage wheel device comprising: a left wall body (40); a right wall body (50) having an inner plane wall and an axial portion (30) connected to the left wall, each of the left and the right wall bodies have a plurality of insert holes (44, 54) located on a first end and a plurality of insert posts (42, 52) located on a second end, each of the plurality of insert posts

is aligned with and inserted into one of the plurality of insert holes, each of the left and the right wall bodies include an insertion groove (421, 521) located between two adjacent insert posts of the plurality of insert posts; a wire storage turning wheel (10) located between the left and the right wall bodies and having: a center hole (12), the axial portion is inserted through the center hole; a wheel plane located on an outer diameter and divided into left and right wheel planes (11, 13); and two notches (17, 18); a spiral spring (80) having a bottom end connected to the axial portion and an outer portion connected to the wheel plane; a wire storage groove (55) located between the left and the right wheel planes and an interior of the left and right wall bodies; and a communication wire (S) having upper and lower wire portions (S3, S4), the communication wire is inserted through each of the two notches between the upper and lower wire portions, the upper and the lower wire portions are removably wound around the wheel plane.

Other embodiments of the present invention include: the left and the right wheel planes have outer diameters (D, d) that are different; the left and the right wheel planes have outer diameters that are equal; the wherein the left and the right wheel planes have a common rotational centerline (90); each of two ends of the communication wire includes one of a plug (S6) and a socket (S2) for transmitting signals; each of two ends of the communication wire includes one of a plug and a socket for conducting electricity; a screw (85), the left wall body includes a center hole (45), the axial portion of the right wall body is inserted into the center hole and secured therein by the screw inserted into a screw opening (32) in the axial portion; and a roller (65) located between a concave wheel plane (60) of the left wall body and the wire storage turning wheel.

The primary reference to Pera discloses an extensible and self-retractable cable device including shells (210, 230), a pin (232) located in shell (230), an intermediate spool member (250) including a cavity (260), and a spring (202) located in the cavity.

Pera does not teach each of the left and the right wall bodies have a plurality of insert holes located on a first end and a plurality of insert posts located on a second end; each of the plurality of insert posts is aligned with and inserted into one of the plurality of insert holes; each of the left and the right wall bodies include an

insertion groove located between two adjacent insert posts of the plurality of insert posts; a wire storage turning wheel having two notches; the communication wire is inserted through each of the two notches between the upper and lower wire portions; the left and the right wheel planes have outer diameters that are different; each of two ends of the communication wire includes one of a plug and a socket for transmitting signals; each of two ends of the communication wire includes one of a plug and a socket for conducting electricity; the axial portion of the right wall body is inserted into the center hole and secured therein by the screw inserted into a screw opening in the axial portion; nor does Pera teach a roller located between a concave wheel plane of the left wall body and the wire storage turning wheel.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Pera does not disclose each and every feature of Applicant's new claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Pera cannot be said to anticipate any of Applicant's new claims under 35 U.S.C. § 102.

The secondary reference to Woodring discloses a retractable cable device including a container (12) having a cover (14), and a spool (20) and a coil spring (22) located on an interior of the container, the cover being connected to the container by a bolt (16).

Woodring does not teach each of the left and the right wall bodies have a plurality of insert holes located on a first end and a plurality of insert posts located on a second end; each of the plurality of insert posts is aligned with and inserted into one of the plurality of insert holes; each of the left and the right wall bodies include an insertion groove located between two adjacent insert posts of the plurality of insert posts; a wheel plane divided into left and right wheel planes; a wire storage turning wheel having two notches; the communication wire is inserted through each of the two notches between the upper and lower wire portions; the left and the right wheel planes have outer diameters that are different; each of two ends of the communication wire includes one of a plug and a socket for transmitting signals; nor

does Woodring teach a roller located between a concave wheel plane of the left wall body and the wire storage turning wheel.

The secondary reference to Chang discloses a communications cable coiling box structure having an upper casing (10), a lower casing (20), a coiling disk (30), and a communications cable (40). The lower casing (20) includes plurality of inserted grooves (21), and the upper casing (10) includes a plurality of convex columns (14). The convex columns being inserted into the inserting grooves.

Chang does not teach each of the left and the right wall bodies have a plurality of insert holes located on a first end and a plurality of insert posts located on a second end; each of the plurality of insert posts is aligned with and inserted into one of the plurality of insert holes; each of the left and the right wall bodies include an insertion groove located between two adjacent insert posts of the plurality of insert posts; the left and the right wheel planes have outer diameters that are different; each of two ends of the communication wire includes one of a plug and a socket for conducting electricity; the axial portion of the right wall body is inserted into the center hole and secured therein by the screw inserted into a screw opening in the axial portion; nor does Chang teach a roller located between a concave wheel plane of the left wall body and the wire storage turning wheel.

Even if the teachings of Pera, Woodring, and Chang were combined, as suggested by the Examiner, the resultant combination does not suggest: each of the left and the right wall bodies have a plurality of insert holes located on a first end and a plurality of insert posts located on a second end; each of the plurality of insert posts is aligned with and inserted into one of the plurality of insert holes; each of the left and the right wall bodies include an insertion groove located between two adjacent insert posts of the plurality of insert posts; nor does the combination suggest a roller located between a concave wheel plane of the left wall body and the wire storage turning wheel.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the

patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Pera, Woodring, or Chang that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Pera, Woodring, nor Chang disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's new claims.


### **Summary**

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: August 2, 2004

By:

  
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